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*Counsel for Intervenor Plaintiffs*  
DOUGLAS KING and GEORGE FELDMAN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

MDL No. 1917

Case No. 07-cv-5944 JST

**DECLARATION OF MELISSA H. MAXMAN  
IN SUPPORT OF MOTION TO INTERVENE**

Hearing Date: February 28, 2019  
Time: 2:00 p.m.  
Courtroom: 9, 19th Floor  
Judge: Honorable Jon S. Tigar

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MDL No. 1917

Case No. 07-cv-5944-JST

DECLARATION OF MELISSA H. MAXMAN IN SUPPORT OF MOTION TO INTERVENE

1 I, Melissa H. Maxman, declare:

2 1. I am the Managing Partner of the Washington, D.C. office of Cohen & Gresser LLP,  
3 counsel to Intervenor Plaintiffs Douglas King and George Feldman in this action. I am making this  
4 declaration in support of Intervenor Plaintiffs' Motion to Intervene. I have personal knowledge of  
5 the facts set forth herein, and could and would testify truthfully to them if called upon to do so. I  
6 make this declaration pursuant to 28 U.S.C. § 1746.

7 2. I submit this declaration in support of Messrs. King and Feldman's motion to  
8 intervene in this action and to state my experience as both plaintiffs and defense counsel in antitrust  
9 class actions.

10 3. I have served as co-lead counsel for Direct Purchaser Plaintiffs ("DPP") and Indirect  
11 Purchaser Plaintiffs ("IPP") in a variety of class action antitrust cartel MDLs during my three  
12 decades as a trial lawyer.

13 4. I have conducted numerous internal investigations into allegations of violations of the  
14 Sherman Antitrust Act, including leading investigations into allegations of cartel activity for clients  
15 from both the government and private parties.

16 5. My representative matters include:

17 a. Serving as co-lead IPP counsel in the Aftermarket Automotive Sheet  
18 Metal Products cartel lawsuit, *Fond du Lac Bumper Exchange, Inc. v. Jui Li Enterprise*  
19 *Co. Ltd., et al.*, 2:09-cv-00852 (E.D. Wis.);

20 b. Serving as co-lead DPP counsel in *In re: Elec. Carbon Products Antitrust*  
21 *Litigation*, 333 F. Supp. 2d 303 (D.N.J. 2004);

22 c. Representing defendants in class action antitrust cartel MDLs, most  
23 recently defendant Norwegian ocean shipping company Høegh Autoliners in *In re:*  
24 *Vehicle Carrier Service Antitrust Litigation*, Master Docket No.: 2:13-cv-3306 (D. N.J.)  
25 (MDL No. 2471);

26 d. Representing a recreational vehicle manufacturer serving as a DPP  
27 class representative in pursuing claims of cartel activity against automotive parts  
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MDL No. 1917

Case No. 07-cv-5944-JST

suppliers in *In re Automotive Parts Antitrust Litigation*, Master Docket No. 2:12-MD-02311 (E.D. Mich.), *In re: Air Conditioning Systems*, No. 2:13-cv-02701 (E.D. Mich.), *In re: Heater Control Panels*, No. 2:12-cv-00401 (E.D. Mich.), *In re: Windshield Washer Systems*, No. 2:13-cv-02801 (E.D. Mich.), *In re: Windshield Wiper Systems*, No. 2:13-cv-00901 (E.D. Mich.);

e. Serving as lead counsel in a *parens patriae* antitrust suit brought in the Commonwealth of Pennsylvania by then-Governor Thomas W. Corbett, Jr., on behalf of Pennsylvania citizens against the National Collegiate Athletic Association (NCAA) challenging NCAA sanctions against the Penn State football program on the basis that the sanctions imposed antitrust injury on Pennsylvania and its citizens in *Commonwealth of Pennsylvania v. NCAA*, 1:13-cv-00006 (M.D. Pa.);

f. Serving as trial counsel representing class of NCAA Division I male basketball and football players in a civil antitrust lawsuit against the NCAA to eliminate its rule prohibiting players from obtaining compensation while in college in *O'Bannon v. National Collegiate Athletic Association*, No. 09-cv-03329 (N.D. Cal.);

g. Representing an electronics manufacturer in pursuing antitrust litigation, opting out of multidistrict class action litigation relating to dynamic random-access memory and static random-access memory claims in *Edge Electronics, Inc. v. Hynix Semiconductor, Inc.*, No. 4:07-cv-01207 (N.D. Cal.); and

h. Serving as co-chair of Foreign Plaintiffs Committee representing foreign national plaintiffs bringing antitrust monopolization claims against Microsoft in *Cox v. Microsoft Corporation*, No. 1:00-md-01332 (D. Md.).

6. Furthermore, I have conducted internal investigations into allegations of cartel activity by major manufacturers in a variety of industries and successfully persuaded the U.S. Department of Justice Antitrust Division not to prosecute.

7. I have represented individual defendants in antitrust disputes with competitors, consumer groups, and regulatory disputes with state and local administrative agencies, including:

1 a. A telecommunications company in disputes with state and local  
2 agencies;

3 b. The world's largest manufacturer of artificial teeth in civil antitrust  
4 litigation regarding monopolization claims relating to distribution contracts in *Univac*  
5 *Dental Co. v. Dentsply International Inc.*, No. 1:07-cv-00493 (M.D. Pa.); and

6 c. A major beverage company in a dispute with a competitor over access  
7 to a group of Pennsylvania colleges.

8 8. I have represented a variety of companies challenging competitors' allegedly  
9 anticompetitive practices before the Federal Trade Commission.

10 9. I represented GTE Corporation in the merger with Bell Atlantic Corporation before  
11 the Pennsylvania Public Utility Commission to create Verizon Communications Inc.

12 10. I represent a Canadian energy company in ongoing antitrust advice relating to its joint  
13 venture with another international energy company, including drafting its antitrust compliance  
14 manual, assisting in the preparation of videos and other training materials, and assisting in the  
15 maintenance of appropriate records confirming that all relevant employees have been fully trained.

16 11. Attached hereto as Exhibit A is a true and correct copy of Cohen & Gresser LLP's  
17 resume, including biographies of the lawyers who will work on the case.

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Executed on January 11, 2019.

20  
21 /s/ Melissa H. Maxman  
22 Melissa H. Maxman  
23  
24  
25  
26  
27  
28

**ECF ATTESTATION**

I, Joseph R. Saveri, am the ECF User whose ID and Password are being used to file  
**DECLARATION OF MELISSA H. MAXMAN IN SUPPORT OF MOTION TO  
INTERVENE.**

In compliance with Civil Local Rule 5-1, I hereby attest that Melissa H. Maxman has  
concurred in this filing.

DATED: January 11, 2019

By: /s/ Joseph R. Saveri  
Joseph R. Saveri

# Exhibit A

COHEN & GRESSER LLP



## The Firm

Cohen & Gresser is an international law firm with offices in New York, Seoul, Paris, Washington, DC, and London. We have an outstanding record of success in high-stakes and high-profile litigation, investigations, and transactional work throughout the world. Our clients include major international financial institutions and *Fortune 500* companies across a broad spectrum of industries. We serve our clients in a number of practice areas, including Corporate, Employment, Intellectual Property & Technology, Litigation & Arbitration, Privacy & Data Security, Real Estate, Tax, and White Collar Defense. Our attorneys are graduates of internationally renowned law schools, and received their initial training at some of the finest law firms in the world. We are committed to providing the efficiency and personal service of a boutique law firm and the quality and attention to detail that are the hallmarks of the top firms where we receive our training.

The firm has been recognized in a wide range of publications, including *Chambers*, *Legal 500*, *Managing IP*, *U.S. News & World Report's* "Best Law Firms," *Décideurs*, and *Benchmark Litigation*. We have also been named to *The National Law Journal's* "Midsize Hot List" and the BTI Client Service A-Team, and over half of our U.S.-based attorneys have been recognized by *Super Lawyers*.

# Litigation & Arbitration

## Antitrust & Competition Litigation

Our Antitrust and Competition Litigation practice includes all aspects of private civil litigation relating to antitrust and competition disputes, representing clients in both civil and criminal enforcement matters, and counseling businesses on a range of antitrust and competition matters integral to their operations, including compliance with applicable regulations. We offer a cross-border perspective, with Antitrust and Competition Litigation team members in New York, Washington, D.C., and Europe.

Our attorneys have decades of experience litigating civil antitrust and competition disputes in trial and appellate courts, including defending clients in class action suits against allegations of cartel behavior, litigating disputes among companies relating to allegations of monopolization and other exclusionary conduct, and defending clients in FTC and DOJ civil enforcement actions. We routinely coordinate with economic experts in formulating litigation strategy and in preparing and presenting claims and defenses.

We regularly assist companies and executives in enforcement proceedings relating to allegations of criminal violations of antitrust and competition law. Our team includes a former trial attorney for the Antitrust Division of the U.S. Department of Justice who spent five years handling criminal antitrust cases as well as several other former federal prosecutors. In cooperation with our *Chambers* and *Legal 500*-ranked white collar defense team, our antitrust litigators have a superb record in achieving favorable results for clients facing government enforcement actions. Further, we have particular strength in helping companies navigate parallel government and civil actions, working with them to determine the most advantageous litigation strategy when facing multiple actions relating to the same conduct.

Our attorneys also regularly assist companies in evaluating antitrust concerns that arise in the regular course of business or when evaluating potential mergers, acquisitions, and other transactions with competitive implications, and in representing parties to such transactions before the FTC, DOJ, and federal courts, including filing pre-merger notifications under the Hart-Scott Rodino Act. We regularly draft, implement, and advise on antitrust compliance programs and provide antitrust compliance training for our clients.

Two partners in our Antitrust and Competition Litigation practice have served in leadership roles within the ABA Antitrust Section for years, and our senior attorneys regularly lecture and write on issues of interest to the antitrust community.



Some of the matters handled by our attorneys:

#### **Antitrust & Competition Class Action Litigation Representations**

Represented plaintiff class of consumer packaged goods manufacturers in an antitrust action involving anti-competitive practices in the market for in-store promotions.

Represented class action plaintiffs in an antitrust action relating to microcrystalline cellulose (wood pulp).

Represented a class of Division I men's basketball and football players against the NCAA over compensation of athletes, including representation on both First Amendment and antitrust issues.

Obtained summary judgment and affirmance on appeal for a Canadian potash producer against allegations of a price fixing conspiracy.

Represented major pharmaceutical company's vision care subsidiary in an antitrust lawsuit brought by a retail customer alleging vertical price fixing and related class actions brought by consumers alleging both vertical and horizontal price fixing.

Defeated three price-fixing class action complaints against consumer products companies.

Defended a manufacturer of mattress components in a class action lawsuit alleging price fixing and customer allocation.

Represented an electronics manufacturer in a multi-district litigation alleging price fixing in the market for its capacitors.

Represented leading provider of enterprise mobile business solutions in three putative class actions alleging claims of price fixing, concerted refusal to deal, and conspiracy to monopolize in connection with certain aspects of the wireless telecommunications market.

Represented airline in an antitrust class action brought by travel agents alleging conspiracy to fix travel agent commissions.

Represented a leading supplier of aftermarket auto parts against allegations that it and other large suppliers unlawfully induced discriminatory pricing from parts manufacturers.

Defending Norwegian ocean shipping company in private civil antitrust class action alleging cartel activity among shipping companies.

Represented Brazilian employees of major international airlines in the air cargo shipping antitrust cartel investigation and prosecution.

Represented one of the country's largest manufacturers of disposable cups and plastic cutlery as a class action defendant against allegations of criminal and civil cartel activity in the industry. No criminal charges were brought and obtained dismissal of civil class action case against the company, though the case proceeded against co-defendants.

Represented a major pharmaceutical and chemical manufacturer against allegations of cartel activity in the natural insecticide (pyrethroid) market; successfully persuaded the DOJ Antitrust Division not to prosecute and civil plaintiffs not to pursue a class action.

Represented a road salt manufacturer in a criminal antitrust investigation alleging cartel activity by the DOJ Antitrust Division and various state attorneys general, avoiding any charges against the client.



Represented telecommunications company in antitrust disputes with competitors, consumer groups, and regulatory disputes with state and local administrative agencies.

Represented several major U.S. financial services companies in various complex antitrust class action litigations.

Represented Fortune 500 consumer products company in the successful defense of antitrust class actions in South Carolina, North Carolina and Kentucky.

Represented healthcare services provider in class action litigation alleging conspiracy to defraud dentists.

Obtained summary judgment and affirmance on appeal for major auto glass manufacturer against competitor's allegations of a conspiracy to control the auto glass market and exclude competition.

Obtained affirmance on appeal of dismissal of antitrust claim against a multi-employer collective bargaining association alleging conspiracy to exclude non-members from the market.

Obtained summary judgment and affirmance on appeal on behalf of a Puerto Rican newspaper and its subsidiary in a lawsuit that alleged an unlawful tying arrangement involving advertising and commercial printing markets.

Represented a commercial manufacturer of pavement asphalt in a lawsuit involving alleged bid-rigging among paving companies.

Defended the world's largest manufacturer of artificial teeth in civil antitrust litigation (opt outs from civil class action) alleging monopolization of distribution contracts.

Represented Canadian natural gas company in ongoing antitrust advice relating to its joint venture with another international energy company, including drafting its antitrust compliance manual, assisting in the preparation of videos and other training materials, and assisting in the maintenance of appropriate records confirming that all relevant employees have been fully trained.

Represented companies "opting out" of plaintiffs' class action and pursuing the client's claims independently, including representing electronics manufacturer in pursuing antitrust litigation opting out of multidistrict class action litigation relating to DRAM and SRAM claims; and individual car dealers in antitrust and RICO class action claims against the car company.



## Litigation & Arbitration

### Class Action Defense

Our attorneys have extensive class action defense experience. We have represented major public companies – including manufacturers, consumer products companies, and financial services companies – in a broad range of putative class actions, including cases alleging products liability, product defects, consumer fraud, antitrust, false advertising, and securities law claims.

The firm's attorneys have successfully handled the most complex problems facing class action defendants. We advance our clients' causes by defeating motions for class certification, successfully arguing for removals and dismissals, enforcing class releases, and negotiating innovative settlements. Our lawyers have defeated class certification in over thirty consumer fraud class actions and have successfully resolved hundreds of liability cases on favorable terms.

Our lawyers also counsel clients on initiatives to address litigation risks and exposure, thus reducing the potential for future class actions. We strive to help our clients implement "best practices."

#### Representative Matters

Some of the matters handled by our attorneys:

Represented plaintiff class of investors in litigation concerning subprime auto loans.

Obtained dismissal of purported class action against an energy company alleging multi-billion dollar breach of contract and tort claims and affirmance on appeal.

Represented a national pharmacy chain in connection with a securities class action as well as a subsequent SEC enforcement proceeding. The representation included working with a big four accounting firm's audit team, documentation production, SEC interviews, defending depositions, and drafting a Wells submission.

Represented a bank in class certification discovery of \$50 billion class action lawsuit.

Represented a leading U.S. broker-dealer in defense of federal class action litigation arising out of offering of approximately \$700 million of RMBS mortgage pass-through certificates.

Represented Korean computer manufacturer in product defect class action litigation with claimed damages in excess of \$100 million.



Defended underwriters, corporations and individual officers and directors in multiple securities claims arising under various sections of the Securities Act of 1933 and 1934.

Defended manufacturer of popular snack foods in four consumer class actions pending in four separate jurisdictions, including defeating, after an evidentiary hearing and post-hearing briefing, plaintiffs' motion to enforce a purported settlement negotiated with prior counsel.

Represented investment banks in securities class action relating to alleged misstatements in registration statement of telecommunications company resulting in favorable settlement.

Defended retail pharmacy chain in securities fraud class action alleging 10b-5 claims.

Represented multi-national conglomerate in landmark appellate case regarding preclusion effects of settlement of securities class actions.

Defended one of the largest Korean consumer product design and manufacturing companies in products liability class action alleging breach of warranty, fraud, and violation of state consumer protection laws relating to purported defects in plasma televisions. Matter was dismissed with prejudice.

Represented chief financial officer of largest division of Fortune 20 pharmaceuticals company in Department of Justice and SEC investigations and class actions securities litigation relating to accounting fraud allegations.

Represented mutual fund in securities class action relating to fees and shelf-space participation.

Represented Japanese manufacturing company in over 500 products liability actions across the United States. Defeated consolidation motions and created streamlined, cost effective settlement procedure to resolve all actions before trial.

Represented a big four accounting firm in connection with a class action against the accounting firm where the case against the accounting firm was dismissed and the dismissal was upheld on appeal.

Represented numerous brokers/dealers in the successful defense of securities class actions.

Represented major insurance company in numerous class action litigations alleging deceptive sales practices. All cases were successfully resolved.

Represented consumer products companies in defeating class certification in multiple products liability lawsuits across the United States.

Represented plaintiff class of investors in litigation concerning subprime auto loans.

Litigation of class action and shareholder derivative suits relating to financial disclosure, fraud, and products liability issues.

Represented energy company in obtaining dismissal of purported class action alleging multi-billion dollar breach of contract and tort claims in connection with a series of complex oil and gas financing transactions and in obtaining affirmance of dismissal on appeal.

Represented Big Four music label in connection with class action suits in several jurisdictions related to allegedly defective anti-pirating software.

Defended a publicly traded equipment rental company and certain of its directors and officers against purported class action securities fraud claims arising from a failed LBO transaction, resulting in a dismissal of all claims that was affirmed on appeal.



Melissa H Maxman  
Partner

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mmaxman@cohengresser.com

#### Practice Areas

Litigation & Arbitration; White Collar Defense

#### Education

University of Michigan Law School (J.D., *cum laude*, 1988); George Washington University (B.A. 1983)

#### Bar Admissions

District of Columbia; State of Maryland; Commonwealth of Pennsylvania; Superior Court of Pennsylvania; U.S. District Court for the District of Columbia; U.S. District Courts for the Eastern and Middle Districts of Pennsylvania; U.S. District Court for the District of Maryland; U.S. District Court for the Eastern District of Michigan; U.S. Court of Appeals for the District of Columbia; U.S. Courts of Appeals for the First, Third, and Fourth Circuits.

Melissa Maxman is the Managing Partner of the firm's Washington, D.C. office. She has decades of litigation experience at both the trial and appellate levels, primarily in the areas of antitrust, RICO, environmental law, complex commercial disputes, and white collar defense. She has extensive experience advising domestic and foreign corporations on global antitrust issues. She has represented clients in complex civil and criminal matters before the Federal Trade Commission, the Antitrust Division of the Department of Justice, and in private civil matters. Melissa is recognized in *Legal 500's* U.S. guide in its coverage for both commercial litigation and white collar defense.

Prior to joining Cohen & Gresser, Melissa was the Chair of the Antitrust and Trade Regulation Practice Group in the Washington, D.C. offices of two large national law firms. She served as an Assistant United States Attorney in the Eastern District of Pennsylvania and was a law clerk for the Honorable Harry T Edwards of the United States Court of Appeals for the District of Columbia. Melissa is a *cum laude* graduate of the University of Michigan Law School, where she was editor-in-chief of the *Michigan Law Review*.

Melissa has been a member of the American Law Institute since 2003. She is also an Advisory Board member for the Institute for Consumer Antitrust Studies and is Co-Chair of the ABA National Institute on Class Actions. She is the immediate past chair of the Dean's National Advisory Council for the Columbian College of Arts and Sciences at the George Washington University. She serves as Co-Chair of the Exemptions and Immunities Committee of the ABA Antitrust Section.

#### Seminars and Appearances

Speaker, "Big Price Tags, Big Issues", ABA 22<sup>nd</sup> Annual National Institute on Class Actions, Chicago, Illinois, October 19, 2018.

Speaker, "Antitrust Exemptions in Sports - & More!" On The Road Podcast, Legal Talk Network, Utah, August 17, 2018.

Commentator, "Interstate Circuit and (Other) Antitrust Myths," Consumer Antitrust Institute Chicago, Illinois, April 21, 2017.

Moderator, "Eyes Wide Open: Ethical Stumbling Blocks in Class Action Litigation," ABA Antitrust Spring Meeting Panel, Washington, DC, March 29, 2017.

Moderator, "Class-Action Ethics from a Real-Life Perspective," ABA 20th Annual National Institute on Class Actions, Las Vegas, Nevada, October 19, 2016.

Speaker, "Strategies for navigating U.S. antitrust lawsuits following government investigations of a price-fixing cartel," International Association of Korean Lawyers, IAKL Seoul Conference Program, Washington DC, September 30, 2016.

Speaker, "Keep your Company and your Employees out of Trouble Under U.S. Criminal and Civil Laws," In-House Counsel Forum, Jeju, Korea, September 2, 2016.



Speaker, "The Shipping Act and Antitrust Preemption," Association of Transportation Law Professionals ("ATLP") 87th Annual Meeting, New Orleans, LA, June 20, 2016.

Speaker, "The Promise and Pitfalls of Section 2: Recent Developments," ABA Section of Antitrust Law Webinar, October 27, 2015.

Moderator, "Are the Good Times Still Rolling' for Defendants? The Latest Word on Ascertainability," ABA's 19th Annual Institute on Class Actions, October 22, 2015.

Panel Chair, "Your Loss, My Gain? Proving Damages Across Jurisdiction," 63rd ABA Antitrust Spring Meeting, April 15, 2015.

Panelist, "Bench Trials: What is the Best Presentation," 63rd ABA Antitrust Spring Meeting, April 15, 2015.

Panelist, "High-Tech Labor to Sandwich Artists: The Law and Economics of Employee Solicitation and Hiring," ABA Antitrust Section Webinar, March 25, 2015.

Speaker, "2015 Sports Law for Rookies and Veterans," Cozen O'Connor, Brewer Sports International, and the Sports Lawyers Association, March 5, 2015.

Panelist, "When Compliance Programs Fail: Best Practices for Investigating and Managing Potential Wrongdoings," ABA Business Law Annual Meeting, September 11, 2014.

Primary Commentator, "Antitrust Law and the Art of Modeling: Are Models Facts?" 14th Annual Loyola Antitrust Colloquium, April 25, 2014.

Speaker, "4th Annual Sports Law CLE for Rookies and Veterans," Brewer Sports International, April 24, 2014.

Panelist, "Antitrust and Monopolization Developments," ABA Business Law Section Spring Meeting, April 10, 2014.

Panelist, "NCAA Who?: Exploring Current & Future Challenges to the NCAA Business Model & the Effects on Collegiate Athletes," Miami Law's 17th Annual Entertainment and Sports Law Symposium, March 22, 2014.

Panelist, "Responding to Government Investigations: What to Do When the Government Comes Calling," Cozen O'Connor, April 26, 2011.

Speaker, "Antitrust Hot Topics in 2011: What the Business Lawyer Needs to Know," ABA Business Law Section Spring Meeting, April 14, 2011.

Speaker, Delaware Valley Chapter of the Association of Corporate Counsel Chapter: 3rd Annual In-House Counsel Conference, April 7, 2011.

Speaker, "Antitrust Developments Involving Health Care Organizations," Health Law Forum: 2010 Year in Review, February 8, 2011.

Speaker, "Antitrust at the Speed of Byte: Will enforcement agencies and private parties be able to keep up with the fast-paced IT world as it continues to accelerate?" CLE, June 15, 2010.

Speaker, "10<sup>th</sup> Annual Loyola Antitrust Colloquium," Institute for Consumer Antitrust Studies at the Loyola University Chicago School of Law, April 30, 2010.



## Publications

"Leegin's 10-Year Checkup: RPM Rule Breeds Inconsistency," *Law360 Expert Analysis*, June 23, 2017.

"Beyond Conventional Wisdom: 4 Tips for New Lawyers," *Law360*, April 12, 2012.

"From the Experts: Super Bowl Ads Meet Corporate Compliance," *Corporate Counsel*, January 24, 2012.

"Volume of Commerce and Criminal Sentences for Antitrust Violations - Alternative Interpretations in the Air Cargo Fuel Surcharge Cases," *American Bar Association*, August 1, 2011.

"D.C. Circuit Has Yet to Rule on Level of Scrutiny at Class Certification Stage," *The National Law Journal*, November 1, 2010.

"It's War! Carefusion v. Medtronic Over Kyphoplasty," *Orthopedics This Week*, April 27, 2010.

## Activities and Affiliations

Fellow, American Bar Foundation

Fellow, Litigation Counsel of America

Advisory Board Member, Institute of Consumer Antitrust Studies

Member, American Law Institute

Former Chair and Advisory Board Member, The George Washington University Columbian College of Arts and Sciences Dean's National Council

Member, William B. Bryant Inn of Court

Former Vice Chair, Global Private Litigation Committee of the ABA Antitrust Section

Co-Chair, Exemptions and Immunities Committee of the ABA Antitrust Section

Co-Chair, ABA National Institute on Class Actions

Former Advisory Board Member, Civil RICO Report

Member, International Women's Forum of Washington, DC

Former Board Member, Sewall-Belmont House and Museum / National Women's Party

Former Trustee, Philadelphia Prison System

Member, Women's White Collar Defense Association



**Ron F Wick**  
Partner

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#### Practice Areas

Litigation & Arbitration;  
Antitrust.

#### Education

Georgetown University Law  
Center (J.D., 1992); Cornell  
University (A.B., 1986).

#### Bar Admissions

District of Columbia; State of  
Maryland; U.S. District Court for  
the District of Columbia, District  
of Maryland, Eastern District of  
Michigan, and Eastern District  
of Wisconsin; U.S. Court of  
Appeals for the District of  
Columbia, Fourth, Eighth, and  
Ninth Circuits.

Ronald F. Wick focuses his practice on litigation concerning trade regulation, antitrust, and commercial disputes. He has represented clients at the Federal Trade Commission, in the courts of Maryland and the District of Columbia, and in federal courts across the country. In addition to his litigation practice, Ron advises clients on antitrust compliance, pricing discrimination, premerger notification issues, and other compliance issues.

Ron's trade regulation practice encompasses a variety of areas. He has defended clients against allegations of price-fixing and attempted monopolization under the Sherman Act, price discrimination under the Robinson-Patman Act, and unfair competition and false and deceptive advertising under the Federal Trade Commission Act. He regularly advises and represents clients contemplating mergers and acquisitions, including by handling premerger notification filings with the FTC and the Antitrust Division of the Department of Justice under the Hart-Scott-Rodino Act, and by working with both agencies to resolve potential antitrust issues arising out of mergers, acquisitions, and joint ventures.

Ron regularly assists corporate clients in developing antitrust compliance policies, forming joint ventures, and evaluating sales and marketing initiatives for compliance with the antitrust laws. He is also experienced in counseling and representing trade associations.

In addition to his antitrust practice, Ron has litigated a variety of commercial disputes in state and federal courts. His litigation experience includes matters as varied as commercial asset-based lending arrangements, obstetric malpractice, insurance disputes, a challenge to federal higher education regulations, the attempted attachment of assets of a foreign government, and litigation under the False Claims Act. He has litigated cases in a broad range of areas, including intercollegiate athletics, medical equipment, longshore labor, public utilities, international shipping, and aftermarket auto parts.

Prior to joining Cohen & Gresser, Ron was a Partner in Cozen O'Connor's Washington, D.C. office. Ron received his law degree from the Georgetown University Law Center and earned his Bachelor of Arts degree from Cornell University.

Ron is actively involved in the ABA Section of Antitrust Law, serving as a vice chair of the Civil Practice and Procedure Committee. Ron was included as one of the Washington, D.C. *Super Lawyers* in 2017.

#### Seminars and Appearances

Moderator, "Working With Experts and Economic Evidence in Class Actions," ABA's Civil Practice and Procedure Committee's Class Action Series, February 28, 2018.

Speaker, "What the Business Lawyer Needs to Know," Antitrust Hot Topics in 2011, April 14, 2011.



Speaker, "Will Enforcement Agencies and Private Parties be able to Keep up with the Fast-Paced IT World as it Continues to Accelerate?" Antitrust at the Speed of Byte, June 15, 2010.

#### Publications

"Leegin's 10-Year Checkup: RPM Rule Breeds Inconsistency," *Law360 Expert Analysis*, June 23, 2017.

"3rd Circ. Courts Controversy Over Class Numerosity," *Law360*, March 9, 2015.

"9th Circ. Approves Facebook Settlement, But Who Benefits?" *Law360*, December 10, 2012.

"Another Blow To Advertising Class Actions," *Law360*, October 9, 2012.

"In Wake of Wal-Mart Case, Class Actions Still Alive and Well," *The Legal Intelligencer*, November 14, 2011.

"Contemplating Class Action Waivers," *Law360*, December 1, 2010.

"FTC Loses an Easy One," *The National Law Journal*, September 27, 2010.

#### Activities and Affiliations

Vice Chair, American Bar Association (Antitrust Section, Civil Practice and Procedure Committee)



Erica Lai  
Counsel

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#### Practice Areas

Litigation & Arbitration, White Collar Defense

#### Education

University of Pennsylvania Law School (J.D., *cum laude*, 2008); Pomona College (B.A., *magna cum laude*, 2005).

#### Bar Admissions

District of Columbia; State of California; Commonwealth of Virginia; U.S. Supreme Court; U.S. Court of Appeals for the Sixth Circuit; U.S. Court of Appeals for the Tenth Circuit; U.S. Court of Appeals for the Federal Circuit; U.S. District Court for the District of Columbia; U.S. District Court for the Eastern District of Michigan.

Erica Lai is a commercial litigator focused on antitrust, class actions, and white collar defense. She has counseled corporate and governmental clients litigating at all levels of federal and state trial and appellate courts, and federal agency proceedings. Erica's broad litigation experience includes class action allegations of price-fixing under the Sherman Act, commercial contractual disputes in the financial services, utility, and railroad industries, Foreign Corrupt Practices Act defense, and litigation under the False Claims Act. She has litigated cases in areas including environmental remediation, financial services, health care services and benefits, longshore labor, public utilities, and transportation.

Erica has extensive pro bono experience in cases involving immigration issues, civil rights, and reproductive justice before federal district courts and courts of appeal, and advocacy to the U.S. Department of Justice.

Erica's advocacy extends beyond litigation to advising clients on proposed legislation, bills before Congress, government relations initiatives, and congressional investigations, including helping secure congressional resolutions acknowledging the injustice of the Chinese exclusion laws.

Prior to joining the firm, Erica was a senior Litigation and Public Policy and Government Affairs associate at Covington & Burling LLP. Erica clerked for the Honorable John M. Walker, Jr. of the United States Court of Appeals for the Second Circuit, and the Honorable Michael M. Baylson of the United States District Court for the Eastern District of Pennsylvania. In 2008, she served as a Law Clerk for the United States Senate Judiciary Committee.

Erica graduated cum laude from the University of Pennsylvania Law School, where she was on the Editorial Board of the University of Pennsylvania Law Review and a member of the Order of the Coif. She also has a Public Policy Analysis Bachelor of Arts degree, magna cum laude, from Pomona College.

#### Activities and Affiliations

Board Member, Asian Pacific American Legal Resource Center

Member, American Bar Association

Member, Women's White Collar Defense Association

Board Member, Vice President of Education, and Former Member of Policy and Advocacy, and Nominations Committees, Asian Pacific American Bar Association of the Greater Washington, D.C. Area